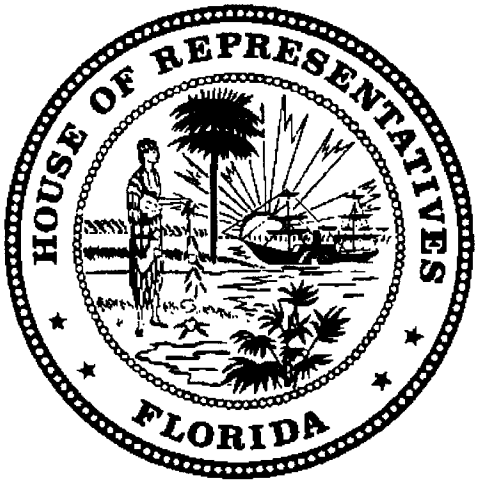

State Infrastructure Council

MEETING PACKET

Monday, April 10, 2006
10:00 am – 11:00 am
404 House Office Building

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

State Infrastructure Council

Start Date and Time:	Monday, April 10, 2006 10:00 am
End Date and Time:	Monday, April 10, 2006 11:00 am
Location:	404 HOB
Duration:	1.00 hrs

Consideration of the following bill(s):

HB 1107 Road Designations by Jennings
HB 1173 CS Driver History Records by Ross
HB 1187 CS Florida Building Code by Murzin
HB 1395 CS Traffic Safety by Sorensen
HB 1583 CS Community Redevelopment by Davis, M.
HB 7089 Facilities for Retained Spring Training Franchises by Tourism Committee

NOTICE FINALIZED on 04/06/2006 16:05 by DUNAWAY.JOYCE

The Florida House of Representatives

State Infrastructure Council

Dave Russell
Chair

303 House Office Building
(850) 414-9786

AGENDA
April 10, 2006
10:00 am – 11:00 am
404 House Office Building

I. Opening Remarks, Chair Dave Russell

II. Consideration of the following bills:

- **HB 1107 by Rep. Jennings – Road Designations**
- **HB 1173 by Rep. Ross – Driver History Records**
- **HB 1187 by Rep. Murzin – Florida Building Code**
- **CS/HB 1395 by Rep. Sorensen – Traffic Safety**
- **CS/HB 1583 by Rep. M. Davis – Community Redevelopment**
- **HB 7089 by Tourism Committee – Facilities for Retained Spring Training Franchises**

III. Closing Remarks, Chair Russell

IV. Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1107 Road Designations
SPONSOR(S): Jennings
TIED BILLS: **IDEN./SIM. BILLS:** SB 1664

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 0 N	Rousseau	Miller
2) Transportation & Economic Development Appropriations Committee	16 Y, 0 N	McAuliffe	Gordon
3) State Infrastructure Council		Rousseau TDR	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

HB 1107 designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

The Florida Department of Transportation is directed to erect suitable markers to denote the honorary designations. The markers will cost an estimated $800. This does not include maintenance or replacement costs.

HB 1107 does not create any constitutional or other legal issues. It takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 1107 does not implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation
Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires the Florida Department of Transportation (FDOT) to place a marker at each terminus or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Based on FDOT records, some 1,079 honorary road and bridge designations have been approved since 1922, most of them by the Legislature. Some public roads and bridges have multiple or overlapping designations.

Effect of HB 1107

HB 1107 designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

Rosa Parks, often called the "Mother of the Modern Day Civil Rights Movement," sparked the Montgomery Bus Boycott in 1955 by refusing to give her seat to a white male passenger on a segregated bus. She led an active life of community service and began the Rosa and Raymond Parks Institute for Self-Development. Mrs. Parks passed away on October 24, 2005.

The FDOT is directed to erect suitable markers to denote the honorary designations.

C. SECTION DIRECTORY:

Section 1: Designates that portion of U.S. Highway 301 within Marion and Alachua Counties as "Rosa Parks Memorial Highway."

Section 2: Specifies an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

   FDOT estimates that the cost to erect suitable road markers is approximately $800 per designation for a marker at each end of the designated road area. The total signage cost of HB 1107 is $800. The expenditure is from the State Transportation Trust Fund. FDOT also is responsible for any future maintenance and replacement cost, which is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

A bill to be entitled

An act relating to road designations; designating Rosa Parks Memorial Highway in Alachua and Marion Counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Rosa Parks Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of U.S. Highway 301 within Marion and Alachua Counties is designated as "Rosa Parks Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Rosa Parks Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1173 CS Driver History Records
SPONSOR(S): Ross
TIED BILLS: **IDEN./SIM. BILLS:** SB 2242

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 0 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	20 Y, 0 N	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

HB 1173 provides free internet access to a minor's driver history records for parents, a guardian, or certain other responsible adults. The bill directs the DHSMV to implement a system that allows the parents, a guardian, or other responsible adults who signed a minor's application for a driver's license, to have free access to the minor's driver history record through a secure website. The bill also provides for the termination of this access on the minor's 18th birthday. This internet access would be in addition to current public records access of driver's history records.

Current law requires the Department of Highway Safety and Motor Vehicles (DHSMV) to maintain an individual driver history record of each licensee. The information must be readily available to DHSMV for license renewal and at other suitable times. Driver's history records are regarded as public records and the DHSMV is authorized to charge certain fees for providing driver history records and for assisting in searching driver history records at DHSMV's headquarters in Tallahassee.

This bill may have a minimal, but indeterminate, negative revenue impact on the Highway Safety Operating Trust Fund. Implementation of this bill would also require estimated contracted programming of 800 hours at $185 per hour for a total of $148,000. (See Fiscal Comments section of this analysis.)

The bill would take effect January 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promotes Personal Responsibility & Empowers Families

HB 1173 provides internet access to a minor's driver history records for parents, a guardian, or other responsible adults who signed the minor's application for a driver's license.

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 322.09, F.S., provides that the application of any person under the age of 18 for a driver's license must be signed by the father, mother, or guardian, or, if there is no parent or guardian, by another responsible adult who is willing to assume the financial obligation imposed under chapter 322, F.S. That statutory obligation provides any negligence or willful misconduct of a minor when driving a motor vehicle on a highway shall be imputed to the person who signed the license application. The signing adult is jointly and severally liable with the minor for any damages caused by the minor's negligence or willful misconduct.

Driver history records are public records and are provided by the DHSMV or a contracted agent for the DHSMV. A person's driving history of convictions, crashes, violations that resulted in a person attending school in lieu of points being assessed and any sanctions are all public record and not covered under the Driver Privacy Protection Act (DPPA).

Section 322.20, F.S., provides that the DHSMV must maintain convenient records or notations, so the individual driver history record of each licensee is readily available for review by DHSMV upon application for renewal of a license and at other suitable times. With respect to crashes involving a licensee, the driver history record must not include any notation or record of a motor vehicle crash unless the licensee received a traffic citation as a direct result of the crash.

This section also authorizes the DHSMV's Division of Driver Licenses, upon application of any person and payment of the proper fees, to search for records of the DHSMV, to make reports, and to make photographic copies of the departmental records and attestations. Section 322.20, F.S., authorizes DHSMV to charge certain fees for providing any one individual's driver history records to the public. For example DHSMV charges:

- $3.10 for providing a transcript of any one individual's driver history record for the past 7 years or for searching for such record when no record is found to be on file;
- $1.00 per page for providing a certified photographic copy of a document; and
- $2.00 for assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee.

DHSMV must furnish this information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the DHSMV as to the purpose of the investigation. This information is made available by the DHSMV electronically to contracted private vendors that provide it via the internet to the general public. The DHSMV provides this information via mail or walk-ins at the DHSMV headquarters. The DHSMV also contracts with some Clerk of Courts to provide the driver history record to the public.

Currently, the DHSMV provides driver record status checks on all drivers via the department's website. These driver record status checks exhibit the validity of the driver's license and do not provide a record of citations and traffic infractions. A person may obtain a driver record status on any Florida driver record by providing a valid driver license number.

HB 1173 creates the "Jeffrey Klapatch Act". In addition to current driver's history record public access, the bill provides free internet access to a minor's driver history records for parents, a guardian, or other responsible adults. The bill directs the DHSMV to implement a system that allows the parents or a guardian, or other responsible adults who signed a minor's application for a driver's license, to have free access to the minor's driver history record through a secure website. The bill also provides for the termination of this access to the minor's driver history records on the minor's 18th birthday.

C. SECTION DIRECTORY:

Section 1. Gives the act the popular name the "Jeffrey Klapatch Act."

Section 2. Amends s. 322.20, F.S., to provide for the DHSMV to implement a system that provides parents, a guardian, or other responsible adults who signed a minor's driver license application, with internet access to the driver history record of the minor; providing for the termination of internet access to the minor's driver history record when the minor attains 18 years of age.

Section 3. Provides that the act shall take effect January 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS Section below.

2. Expenditures:

   See FISCAL COMMENTS Section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

This bill provides that the DHSMV will allow access to the minor's driving history record at no cost to the parents, a guardian, or to the responsible adults who signs giving consent for the minor's application for a driver's license. Therefore, the bill may have a minimal, but indeterminate, negative revenue impact on the Highway Safety Operating Trust Fund due to the free access. The bill also will require programming modifications to the Driver License Software Systems. According to the DHSMV this would require contracted programming of 800 hours at $185 per hour for a total of $148,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties

2. Other:

B. RULE-MAKING AUTHORITY:

   DHSMV has sufficient rule-making authority to carry out the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

   None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 14, 2006** the Transportation Committee amended HB 1173 to require DHSMV to provide free internet access through a secure website to a minor's driver history records for the minor's parents or guardian, or for another responsible adult who signed the minor's application for a driver's license and to change the effective date of the bill to January 1, 2007.

The committee then voted 14-0 to report the bill favorably with committee substitute.

CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to driver history records; creating the "Jeffrey Klapatch Act"; amending s. 322.20, F.S.; providing for the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles to implement a system that provides the parents or guardian of a minor or the adult who signed a minor's application for a driver's license with Internet access to the driver history record of the minor; providing that no fee will be charged for such access; providing for termination of such access; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Jeffrey Klapatch Act."

Section 2. Subsections (13), (14), and (15) of section 322.20, Florida Statutes, are renumbered as subsections (14),

(15), and (16), respectively, and a new subsection (13) is added to that section to read:

322.20 Records of the department; fees; destruction of records.--

(13) The Division of Driver Licenses shall implement a system that allows either parent of a minor, or a guardian, or other responsible adult who signed a minor's application for a driver's license to have Internet access through a secure website to inspect the minor's driver history record. Internet access to driver history records granted to a minor's parents, guardian, or other responsible adult shall be furnished by the department at no fee and shall terminate when the minor attains 18 years of age.

Section 3. This act shall take effect January 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1187 CS Florida Building Code
SPONSOR(S): Murzin
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N, w/CS	Smith	Hamby
2) Growth Management Committee	9 Y, 0 N, w/CS	Strickland	Grayson
3) State Infrastructure Council		Strickland BS.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

The Florida Building Code (Code) was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. The Code was developed and is updated and maintained by the Florida Building Commission (Commission).

HB 1187 w/CS authorizes the Commission to amend the wind design standards contained in the Code subject to the amendatory requirements contained in section 553.73, F.S. In addition, the bill specifically authorizes the Commission to identify within the Code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the Code. The Commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in chapter 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. This authorization expressly supersedes the limitations contained in section 109 of ch. 2000-141, L.O.F.

This bill repeals the statutory definition of "Exposure category C," leaving that determination to the Commission's authority to define the term within the Code development process.

This bill corrects a reference to the International Code Council as it relates to adoption of the foundation codes of the updated Code.

The bill provides for the Commission to expedite the adoption and implementation of the triennial update of the Code pursuant only to the provisions of chapter 120, F.S. The special update and amendment requirements of section 553.73, F.S., and the administrative rule requiring additional delay time between adoption and implementation of such Code are waived. The bill restricts the types of amendments that may be adopted through this process.

This bill prohibits interpretations under section 553.775, F.S., of the Florida Accessibility Code for Building Construction and chapter 11 of the Code, providing that this section of law has no effect on the Commission's authority to waive the accessibility Code provided by section 553.512, F.S.

This bill revises certain requirements relating to the use of private providers for building inspection services.

This bill revises the authority of the State Fire Marshall to amend the Florida Fire Prevention Code under specific conditions. The bill has an indeterminate fiscal impact on the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill allows the Commission to adopt wind-design standards for Northwest Florida. The bill authorizes the Commission to utilize rule-making procedures in chapter 120, F.S., rather than section 553.73, F.S., in implementing certain provisions within this bill. The bill prohibits interpretations of the Accessibility Code for Building Construction and chapter 11 of the Code.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Building Code - Building codes establish minimum safety standards for the design and construction of buildings by addressing such issues as structural integrity, mechanical, plumbing, electrical, lighting, heating, air conditioning, ventilation, fireproofing, exit systems, safe materials, energy efficiency, and accessibility by persons with physical disabilities. In doing so, these regulations protect lives and property, promote innovation and new technology, and help to ensure economic viability through the availability of safe and affordable buildings and structures.

Section 553.73, F.S., provides for the Florida Building Code. The Code was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. The Code was developed and is updated and maintained by the Florida Building Commission (Commission) that works towards consistency of standards throughout the state and full accessibility to information on the standards. The law allows for differences in the standards in different locales based on compelling differences in physical conditions. However, the law establishes procedures for administration of the Code at all levels that will constrain unwarranted differences and ensure the availability of information on local differences to all parties throughout the state.

The law established the Commission as the body which is responsible for the development of the Code and the other elements of the system which support its implementation. The Commission has 23 members, appointed by the Governor, representing engineers, architects, contractors, building owners and insurers, state and local governments and persons with disabilities.

The Code is updated every three years by the Commission. The Commission may amend the Code once each year to incorporate interpretations and update standards upon a finding that delaying the application of the amendment would be contrary to the health, safety, and welfare of the public, or the amendment provides an economic advantage to the consumer. A proposed amendment must include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement are established by rule and must include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The 2004 Florida Building Code is scheduled to take effect on July 1, 2005.

The Commission also is authorized to hear appeals from decisions of local boards regarding the interpretation of the Code; issue declaratory statements relating to the Code; determine the types of products requiring approval for local or statewide use and provide for the evaluation and approval of such products, materials, devices, and method of construction for statewide use; and develop a Building Code Training Program.

Non-Binding Interpretations of the Florida Building Code - The 2002 Legislature provided an additional mechanism for guidance when interpreting the Code.[1] It authorized the Commission to recognize an outside entity to consult with Code officials and industry, and to issue nonbinding advisory opinions. These advisory opinions were to be developed by licensed code enforcement officials. The Commission selected the Building Officials Association of Florida (BOAF) as the entity to work with toward this end.

Requests for opinions are received through the Commission's Internet site, and are then forwarded to BOAF and its experts on varied subject matters from industry and local building departments. The advice of these experts is directed to an experienced building official who drafts a response and forwards it to a select group of licensed and active building Code enforcement officials familiar with the subject matter as assigned by BOAF. These officials make the final determination of the response, which then is forwarded to the questioner and posted on both the BOAF site and in the Commission's Building Code Information System. The electronic information system can be queried for advisory opinions and declaratory statements by subject area for any section of the Code. The Commission reports that more than 1,000 advisory opinions have been issued through this process since its inception.

Because the Code is an administrative rule, interpretations of the Code that are of general applicability must comply with the provisions of ss. 120.536 and 120.54, F.S. The consensus of opinion by stakeholders was that necessary binding interpretations of the Code require a more expedited resolution than is afforded by the Code amendment and update process or the rulemaking provisions of ch. 120, F.S.

The 2005 Legislature created section 553.775, F.S., which allows the Commission, by rule, to establish an informal process of rendering interpretations of the Code. This section also provides that local building departments may approve minor changes to state approved plans under the prototype building program.

Current law sets forth a procedure for the Commission to review decisions of local building officials and local enforcement agencies regarding interpretations of the Code. Local agencies retain the primary responsibility for interpreting the Code, consistent with declaratory statements and interpretations by the Commission. While anyone may petition the Commission to issue a declaratory statement, review of local interpretations of the Code must be appealed through the following system:

- First, the Commission is directed to coordinate with the Building Officials Association of Florida, Inc. (BOAF), a statewide organization of municipal and county codes enforcement officials, to designate panels composed of five hearing officers to hear requests to review decisions of local building officials. These hearing officers must be members of a statewide organization of code enforcement officials and licensed as building code administrators and have experience interpreting and enforcing provisions of the Code.

- The request to review a decision of a local building official's interpretation of the Code may be initiated by any substantially affected person. Requests for review, or petitions, must be submitted to the Commission, who then forwards the information to a panel of hearing officers and to the local building official, and posts the petition on the Building Code Information System. The local building official then provides a written response to the panel. The petitioner then replies to the hearing officers addressing the information provided by the local building official. The panel must then conduct a proceeding to resolve the issue and publish its interpretation. The panel has 21 days after the date the petition is filed to complete the review.

[1] Chapter 2002-193, s. 16, L.O.F.

- The petitioner may then file an appeal of the decision to the Commission. The burden of proof in any proceeding is on the party who initiated the appeal. Local decisions declaring structures to be unsafe and subject to repair or demolition are not subject to review under this process. These local decisions may not be appealed to the Commission if the local governing body finds that there is an immediate danger to the health and safety of the public. Similarly, the Commission only has advisory powers with respect to any decision of the State Fire Marshal made under chapter 633, F.S.

The Commission also may establish an informal process of rendering non-binding interpretations of the Code. The Commission may refer interpretive issues to organizations that represent those engaged in the construction industry. The resulting interpretations are advisory only and nonbinding on the parties and the Commission.

The Commission is authorized to impose a fee not to exceed $250 for binding interpretations for each request for review or interpretation. For third-party proceedings the payment may be made directly to the third-party who must remit to the DCA that portion of the fee necessary to cover the DCA's costs.

Accessibility Code - Accessibility Code - Prior to its integration into the Florida Building Code in 2002, the Accessibility Code was statutorily adopted within ch. 553, F.S. Avenues of interpretation of the code were specifically and definitively restrictive based on concerns by advocates for the disabled that the authority to interpret conferred the power to limit the implementation of the accessibility provisions within that Code. Upon its integration, however, the Accessibility Code became subject to interpretation by Declaratory Statement by the Commission, and subsequently by non-binding and binding opinion by a third-party.

Hurricane Protection - The Commission established standards for hurricane protection in the Code that are based on a national model building code, federal regulations, and standards evolving out of southeast Florida's experience with Hurricane Andrew. Specifically, for protection against hurricane waters, the Code incorporates the flood plain management standards of the Federal Emergency Management Agency's National Flood Insurance Program for the entire state. For coastal construction it incorporates the Florida "coastal building zone" storm surge protection standards.

The Code requires that new homes throughout the state be designed to resist external wind speeds that the American Society of Civil Engineers standard (ASCE 7-98) predicts will experience sometime within a 50 to 100-year time period. In November of 1999, the Commission agreed with the developers of ASCE 7 and applied additional requirements in what is called the "wind-borne debris region" to ensure that buildings inside this region also will be able to withstand internal wind pressure caused by the penetration of flying debris. This region includes areas expected to experience winds of 120 mph or greater as well as areas within one mile of the coast that experience at least 110 mph winds.

Subsection (3) of section 109 of chapter 2000-141, L.O.F., directs the Commission to adopt for areas of the state not within the high velocity hurricane zone, pursuant to section 553.73, F.S., the wind protection requirements of the ASCE, Standard 7, 1998 edition as modified by the Commission in its February 15, 2000, adoption of the Code.[2] However, the Legislature stipulated that from the eastern

[2] Subsection (3), section 109, Ch. 2000-141, L.O.F., states: *For areas of the state not within the high velocity hurricane zone, the commission shall adopt, pursuant to s. 553.73, F.S., the wind protection requirements of the American Society of Civil Engineers, Standard 7, 1998 edition as implemented by the International Building Code, 2000 edition, and as modified by the commission in its February 15, 2000, adoption of the Florida Building Code for rule adoption by reference in Rule 9B-3.047, Florida Administrative Code. However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission. The exact location of wind speed lines shall be established by local ordinance, using recognized physical landmarks such as major roads, canals, rivers, and lake shores, wherever possible. Buildings constructed in the windborne debris region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings. Except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.*

border of Franklin County to the Florida-Alabama line, only land within one mile of the coast is subject to the windborne-debris requirements adopted by the Commission. This subsection provides for the exact location of wind speed lines to be established by ordinance using specified physical landmarks, and provides that buildings constructed within the windborne debris region must be either designed for internal pressures resulting from a broken window or door or a hole in the walls or roof, or be designed with protected openings. The subsection further provides that except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.

The ASCE 7 standard considers both wind speeds that can be developed by hurricanes and factors such as terrain and shielding by other buildings which affect the strength of those winds when they impact buildings. Exposure A is characteristic of large cities with large expanses of tall buildings. Exposure B is characteristic of suburban areas with large expanses of short and medium height buildings and wooded areas. Exposure C is characteristic of areas of exposed expanses of open terrain or open water. Section 553.71, F.S., defines "exposure category C" to mean, except in the high velocity hurricane zone, that area which lies within 1,500 feet of the coastal construction control line, or within 1,500 feet of the mean high tide line, whichever is less. On barrier islands, exposure category C is applicable in the coastal building zone set forth in section 161.55(5), F.S.

Commission Recommendations - In January of 2005, the Commission issued a report entitled, *The Florida Building Code Commission Report to the 2005 Legislature.* This report contained a number of recommendations to improve the effectiveness of the Code. The report included the following specific recommendations relating to wind protection provisions:

- Eliminate the edition designation and referenced amendments of the ASCE Standard 7 currently in section 109, ch. 2000-141, L.O.F., and allow updated editions of the standard to be adopted through updates to the Code.
- Eliminate the designation of the wind-borne debris region for the Panhandle region of Florida from ch. 2000-141, L.O.F., and allow the wind-borne debris region for that area to be determined by the Code.
- Eliminate the definition of the wind exposure class C from section 553.73, F.S., and allow the definition of ASCE 7, as adopted by the Code, to be used.
- Authorize the Commission to make determinations related to designing for internal pressures.

Changes Enacted During the 2005 Legislative Session – During the 2005 Regular Session, the Legislature addressed several issues relating to wind-design standards. Chapter 2005-147, L.O.F., directed the Commission to update the Code with the most recent and relevant design standards for wind resistance of buildings issued by the ASCE, notwithstanding subsection (3) of section 109, ch. 2000-141, L.O.F. However, the bill specified that this provision was intended to *explicitly supersede only the first sentence of that law.*[3] As a result, the bill effectively exempted the Panhandle region from the requirement that the Commission utilize the most current edition of the wind protection requirements contained in ASCE 7.

The bill also instructed the Commission and local building officials to evaluate the damage from Hurricane Ivan and make recommendations to the Legislature for changes to the Code as it relates to the region from the eastern border of Franklin County to the Florida-Alabama line. Finally, the bill required the Commission to evaluate the definition of "exposure category C" as currently defined in section 553.71(10), F.S., and make recommendations for a new definition that more accurately depicts the Florida-specific conditions prior to the 2006 Legislative Session.

Post-Session Commission Deliberations – Pursuant to the requirements of Chapter 2005-147, L.O.F., the Commission convened several workshops to solicit input from local building officials and other stakeholders in the Panhandle region of the state. Much of the discussion centered on the extent to which property damage resulted from hurricane-related storm surges versus windborne debris.

[3] *Id.*

Similarly, considerable discussion focused on the impact of revised windborne debris protection requirements on the costs of housing in the region. At the conclusion of the initial workshop, there was consensus for the strategy of conducting a study on the treed environment effects and historical wind data affects, prior to making recommendations to the Legislature regarding the existing definition and whether to recommend changes.[4]

At the second workshop, the Commission representatives voted unanimously to contract with a consultant to conduct an engineering-based risk assessment of hurricane windborne debris protection options for the Panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. The research would focus on factors unique to the Panhandle region including treed areas inland of the coast, and consider historical wind data affects. The requested funding authorization was approved, and the preliminary research results will be presented to the Commission in March of 2006, and subsequently input will be solicited at a follow-up workshop. Following the workshop, the Commission will use the study results and stakeholder input, to make its recommendations to the 2006 Legislature as required by law.[5]

Private Providers of Inspection Services – Section 553.791, F.S., authorizes a fee owner or the fee owner's contractor to use a private provider to provide code inspection services. This section specifies that the owner or contractor must notify the local building official at the time of permit application, or no less than 7 business days prior to the first scheduled inspection by the local building official or building code enforcement agency for a private provider performing required inspections of construction on a form to be adopted by the Commission. This section also specifies information which must be included in the required notice.

Effect of Proposed Changes

This bill authorizes the Commission to amend the wind design standards contained in the Code subject to the amendatory requirements contained in section 553.73, F.S. In addition, the bill specifically authorizes the Commission to identify within the Code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the Code. The Commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in chapter 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. This authorization expressly supersedes the limitations contained in section 109 of ch. 2000-141, L.O.F.

The bill allows the Commission to eliminate or revise the existing "Panhandle exception" (limiting windborne debris requirements to within 1 mile of the coast) and amend the wind design standards applicable to the Panhandle region to incorporate the current edition of the national model building code engineering standard (American Society of Civil Engineers Standard 7, 2002 Edition). This would subject new construction in the Panhandle region to the same windborne debris requirements (enhanced door and window protection) applicable to other areas of the state. The bill also authorizes the Commission to utilize expedited rule-making procedures pursuant to chapter 120, F.S., rather than section 553.73, F.S., in implementing this provision.

This bill repeals the statutory definition of "Exposure category C," leaving that determination to the Commission's authority to define the term within the Code development process.

This bill corrects a reference to the International Code Council as it relates to adoption of the foundation codes of the updated Code.

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[4] *Report to the Florida Building Commission*, Florida Panhandle Windborne Debris Region Workshop I, September 14, 2005.
[5] *Report to the Florida Building Commission*, Florida Panhandle Windborne Debris Region Workshop II, February 16, 2006.

The bill provides for the Commission to expedite the adoption and implementation of the triennial update of the Code pursuant only to the provisions of chapter 120, F.S. The special update and amendment requirements of section 553.73, F.S., and the administrative rule requiring additional delay time between adoption and implementation of such Code are waived. The bill provides that the Commission shall approve amendments pursuant to this provision only to the extent necessary to address: conflicts within the updated Code, conflicts between the updated Code and the Florida Fire Prevention Code adopted pursuant to chapter 633, F.S., omission of previously adopted Florida-specific amendments to the updated Code if the omission is not supported by a specific recommendation of a technical advisory committee or particular action by the Commission, or unintended results from the integration of previously adopted Florida-specific amendments with the model Code.

This bill prohibits interpretations under section 553.775, F.S., of the Florida Accessibility Code for Building Construction and chapter 11 of the Code, providing that this section of law has no effect on the Commission's authority to waive the accessibility Code provided by section 553.512, F.S.

This bill provides that once construction has commenced and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The owner or contractor must notify the local building official of their intention to use a private provider at least 7 business days prior to the next scheduled inspection and must comply with existing notice requirements.

The bill provides the State Fire Marshall with authority to amend the Florida Fire Prevention Code, following conclusion of the triennial update and subject only to the rule-adoption authority of ch. 120, F.S. The bill provides that authorities having jurisdiction to enforce the Florida Fire Prevention Code may enforce the amendments after approval of the amendments by the State Fire Marshall and publication on the State Fire Marshall's website. Amendment authority is limited to only those amendments needed to:

- Address conflicts within the update Florida Building Code.
- Address conflicts between the Florida Fire Prevention Code and the Florida Building Code.
- Address the omission of Florida-specific amendments previously adopted by the Florida Fire Prevention Code.
- Address unintended results from the integration of Florida-specific amendments previously adopted with the model code.

C. SECTION DIRECTORY:

Section 1: Authorizes the Florida Building Commission to amend the wind design standards addition, the bill specifically authorizes the Commission to identify within the code those areas of the state from the eastern border of Franklin County to the Florida-Alabama line (the Panhandle region) that are subject to the windborne debris requirements of the code. The Commission's initial designation of windlines for this region must address the results of the Florida Panhandle Windborne Debris Region study and is only subject to the rule adoption procedures contained in ch. 120, F.S. The bill stipulates that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. This authorization expressly supersedes the limitations contained in section 109 of ch. 2000-141, L.O.F.

Section 2: Amends subsections (10) and (11) of section 553.71, F.S., deleting the statutory definition of "Exposure category C."

Section 3: Amends subsection (6) of section 553.73(6)(a), F.S., providing that the *applicable model code entity* adopts the foundation codes of the updated Code instead of the International Code Council; creating a process that addresses issues identified by the Commission to

amend the updated Code pursuant only to the rule adoption procedures contained in chapter 120, F.S.; providing authorities that have jurisdiction to enforce the Code may enforce the recommended corrections to the Code after approval; providing amendment approval pursuant only to: conflicts within the updated Code, conflicts between the updated Code and the Florida Fire Prevention Code adopted pursuant to chapter 633, F.S., omission of previously adopted Florida-specific amendments to the updated Code if the omission is not supported by a specific recommendation of a technical advisory committee or particular action by the Commission, or unintended results from the integration of previously adopted Florida-specific amendments with the model Code.

Section 4: Creates section 553.775, F.S., restricting interpretations of the Florida Accessibility Code for Building Construction and chapter 11 of the Code.

Section 5: Amends s. 553.791, F.S., to provide that once construction has commenced and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The owner or contractor must notify the local building official of their intention to use a private provider at least 7 business days prior to the next scheduled inspection and must comply with existing notice requirements.

Section 6: Amends s. 633.0215, F.S., revising the scope of the State Fire Marshal's authority to amend the Florida Fire Prevention Code subject only to the rule-adoption procedures of ch. 120, F.S.

Section 7: Provides an effective date of July 1, 2006, except for as otherwise provided for in this act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

   This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

   This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The impact of the bill on homebuilders, and ultimately, home buyers is indeterminate. To the extent the bill results in increased construction costs associated with enhanced window and door protection, homebuilders and homebuyers could be adversely impacted. However, these costs could be offset by benefits, primarily in the form of reduced hurricane-related property damage.

D. FISCAL COMMENTS:

According to the Department of Community Affairs, increased cost of construction is likely, but dependent on the Commission's utilization of the authority granted. Design and construction to withstand internal pressure results in minimal cost increase of a home, and use of shutters and other impact resistant openings can likely be achieved at a cost of around $2,000. These costs will ultimately be passed on to the consumer in the sales price of the building, but should be offset over time by savings on insurance.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

There do not appear to be other constitutional issues with the bill.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Commission to utilize expedited rule-making procedures in chapter 120, F.S., rather than section 553.73, F.S., in implementing certain provisions within this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Council on Local Government adopted one strike-all amendment on March 22, 2006. The amendment conforms to the Senate companion to stipulate that new windborne debris requirements for the Panhandle region may not take effect for six months following completion of rule-making or May 31, 2007, whichever is sooner. The amendment also provides that once construction has commenced and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The owner or contractor must notify the local building official of their intention to use a private provider at least 7 business days prior to the next scheduled inspection and must comply with existing notice requirements. The bill, as amended, was reported favorably with committee substitute.

On April 4, 2006, the Growth Management Committee adopted an amendment that revised the authority of the State Fire Marshall to amend the Florida Fire Prevention Code under specific conditions. The amendment provides that authorities having jurisdiction to enforce the Florida Fire Prevention Code may enforce the amendments after approval of the amendments by the State Fire Marshall and publication on the State Fire Marshall's website. Amendment authority is limited to only those amendments needed to:

- Address conflicts within the update Florida Building Code.
- Address conflicts between the Florida Fire Prevention Code and the Florida Building Code.
- Address the omission of Florida-specific amendments previously adopted by the Florida Fire Prevention Code.

CHAMBER ACTION

The Growth Management Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Florida Building Code; authorizing the Florida Building Commission to update and modify certain wind-design standards; providing criteria, requirements, and limitations; providing for delayed effect; superseding certain provisions of law; amending s. 553.71, F.S.; deleting the definition of "exposure category C"; amending s. 553.73, F.S.; authorizing the Florida Building Commission to make certain limited amendments to the Florida Building Code pursuant to rule adoption procedures for certain purposes after triennial updates; authorizing authorities to enforce such amendments; specifying amendment criteria; amending s. 553.775, F.S.; prohibiting interpretation and review of certain accessibility provisions of certain codes under certain procedures; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection services under certain circumstances; conforming cross-references; amending s. 633.0215, F.S.;

authorizing the State Fire Marshal to amend the Florida Fire Protection Code under certain circumstances; providing criteria and limitations; providing for enforcement of the code and code amendments; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding subsection (3) of section 109 of chapter 2000-141, Laws of Florida, the Florida Building Commission may update or modify the wind-design standard applicable to construction in this state as adopted within the Florida Building Code in accordance with the requirements of s. 553.73, Florida Statutes. The Florida Building Commission is specifically authorized to identify within the Florida Building Code those areas of the state from the eastern border of Franklin County west to the Florida-Alabama line that are subject to the windborne-debris requirements of the code. The Florida Building Commission's initial designation of wind lines for this region shall address the results of the study required by section 39 of chapter 2005-147, Laws of Florida. The initial designation of those areas after July 1, 2006, is subject to only the rule adoption procedures of chapter 120, Florida Statutes, notwithstanding the code-development procedures of chapter 553, Florida Statutes. This section shall not take effect for 6 months following the completion of rulemaking or until May 31, 2007, whichever occurs sooner. The provisions of

subsection (3) of section 109 of chapter 2000-141, Laws of Florida, are expressly superseded.

Section 2. Subsections (10) and (11) of section 553.71, Florida Statutes, are amended to read:

553.71 Definitions.--As used in this part, the term:

~~(10) "Exposure category C" means, except in the high velocity hurricane zone, that area which lies within 1,500 feet of the coastal construction control line, or within 1,500 feet of the mean high tide line, whichever is less. On barrier islands, exposure category C shall be applicable in the coastal building zone set forth in s. 161.55(5).~~

(10)~~(11)~~ "Prototype building" means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.

Section 3. Subsection (6) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.--

(6)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are

adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity ~~International Code Council~~ and made available to the public at least 6 months prior to its selection by the commission.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code. Standards or criteria referenced by the codes shall be incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Upon the conclusion of a triennial update to the Florida Building Code, notwithstanding the provisions of this subsection or subsection (3), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the

commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;

2. Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;

3. The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission; or

4. Unintended results from the integration of previously adopted Florida-specific amendments with the model code.

Section 4. Subsection (5) is added to section 553.775, Florida Statutes, to read:

553.775 Interpretations.--

(5) Notwithstanding the other provisions of this section, the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code may not be interpreted by and are not subject to review under any of the procedures specified in this section. This subsection has no effect upon the commission's authority to waive the Florida Accessibility Code for Building Construction as provided by s. 553.512.

Section 5. Paragraphs (f) and (h) of subsection (1) of section 553.791, Florida Statutes, are amended, subsections (5), (7)-(10), (12), (13), (15), (16), and (18) of that section are renumbered as subsections (6), (8)-(11), (13), (14), (16), (17), and (19), respectively, a new subsection (5) is added to that

section, and present subsections (6), (11), (14), and (17) of that section are amended, to read:

553.791 Alternative plans review and inspection.--

(1) As used in this section, the term:

(f) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider.

2. The affidavit from the private provider required pursuant to subsection (6) ~~(5)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(h) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required pursuant to subsection (11) ~~(10)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may

elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so no less than 7 business days prior to the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(7) ~~(6)~~ (a) No more than 30 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6) ~~(5)~~, the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 30-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 30-day period, the 30-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) ~~(12)~~ or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 30-day period plus 5 business days to issue the requested permit or to provide a second written notice to the permit applicant stating which of

the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be issued by the local building official on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) ~~(12)~~ or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(12) ~~(11)~~ No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a

certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (13) ~~(12)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(15) ~~(14)~~ (a) No local enforcement agency, local building official, or local government may adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(g) and the insurance requirements of subsection (16) ~~(15)~~.

(c) Nothing in this section limits the authority of the local building official to issue a stop-work order for a building project or any portion of such order, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(18) ~~(17)~~ Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice

of the inspection pursuant to subsection (9) ~~(8)~~ and, subsequent to such inspection and approval, the work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

Section 6. Subsection (5) of section 633.0215, Florida Statutes, is amended to read:

633.0215 Florida Fire Prevention Code.--

(5) Upon the conclusion of a triennial update to the Florida Fire Prevention Code and notwithstanding any other provisions of law, the State Fire Marshal may address the issues identified in this subsection by amending the Florida Fire Prevention Code, subject only to the rule adoption procedures of chapter 120. Following the approval of any amendments to the Florida Fire Prevention Code by the State Fire Marshal and publication on the State Fire Marshal's website, authorities having jurisdiction to enforce the Florida Fire Prevention Code may enforce the amendments to the code. The State Fire Marshal may approve only amendments that are needed to address:

(a) Conflicts within the updated Florida Building Code;

(b) Conflicts between the updated Florida Fire Prevention Code and the Florida Building Code adopted pursuant to chapter 553;

(c) The omission of Florida-specific amendments that were previously adopted in the Florida Fire Prevention Code; or

(d) Unintended results from the integration of Florida-specific amendments that were previously adopted with the model code. ~~The State Fire Marshal may approve technical amendments notwithstanding the 3-year update cycle of the Florida Fire~~

~~Prevention Code upon finding that a threat to life exists that would warrant such action, subject to chapter 120.~~

Section 7. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1395 CS Traffic Safety
SPONSOR(S): Sorensen
TIED BILLS: **IDEN./SIM. BILLS:** SB 224

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	12 Y, 2 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	15 Y, 2 N	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak R.H.
4)			
5)			

SUMMARY ANALYSIS

HB 1395 w/CS the "Road Rage Reduction Act," expresses the Legislature's finding that "road rage and aggressive careless driving are a growing threat to the public's health, safety, and welfare."

The bill requires that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane once such person knows or should reasonably know he or she is being overtaken from the rear by a motor vehicle traveling at a higher rate of speed except when such motor vehicle is in the process of overtaking a slower vehicle in an adjacent lane or is preparing for a left turn.

The bill also increases the number of traffic violations from two to three that a person must commit simultaneously or in succession to be guilty of "aggressive careless driving" and includes failure to yield to overtaking vehicles as one of these traffic violations. A violation is a non-criminal traffic infraction punishable by a $60 fine plus applicable fees and court costs. The fees and court costs vary from county to county, but the total paid for each citation would range from $112.50 to $133.50, and an assessment of applicable points. In addition to the fines and accumulation of points, the bill provides that any person convicted of aggressive careless driving will be punished upon a first conviction, by fine of $100 and on a second or subsequent conviction, by a fine of not less than $250 or more than $500 and will be subject to a mandatory hearing.

The Department of Highway Safety and Motor Vehicles (DHSMV) is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements.

HB 1395 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments cannot be determined.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill extends government regulation over the behavior of motorists by prohibiting currently lawful operation of motor vehicles in the left-hand lane of multi-lane roadways.

Safeguard individual liberty—The bill restricts the freedom of an individual to operate a motor vehicle in the left-hand lane of a multi-lane roadway under certain circumstances, which is allowed under current law.

B. EFFECT OF PROPOSED CHANGES:

Under current law, a motor vehicle proceeding upon any roadway at less than the normal speed of traffic under prevailing conditions must be driven in the right-hand lane. However, the requirement does not apply when the motor vehicle is overtaking or passing another vehicle proceeding in the same direction, or when preparing for a left turn.

On a two-way roadway having four or more lanes, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except to overtake or pass, or to prepare for a left turn.

Nothing in current law prohibits a person from operating a motor vehicle in the leftmost lane of multiple lanes traveling in the same direction, where the leftmost lane is not reserved for vehicles carrying multiple passengers.

Section 316.1923, F.S., defines "aggressive careless driving" as committing two or more of the following acts simultaneously or in succession:

- Exceeding the posted speed limit;
- Unsafely or improperly changing lanes;
- Following another vehicle too closely;
- Failing to yield the right-of-way;
- Improperly passing; or
- Violating traffic control and signal devices.

Current law, s. 318.14, F.S., relating to noncriminal traffic infractions, provides that a person who does not hold a commercial driver's license and who is issued a citation for speeding may elect to pay the fine without appearing before a hearing officer or judge and to attend a basic driver improvement course approved by DHSMV. In such a case, adjudication is withheld, points as provided by s. 322.27, F.S., are not assessed, and the civil penalty is reduced by 18 percent. A person is allowed to attend a driver improvement course in lieu of appearing before a hearing officer or judge once every twelve months, but not more than five times in total.

Section 318.19, F.S., provides that citations for the following infractions require a mandatory hearing:

- Any infraction which results in a crash and causes the death of another person;
- Any infraction which results in a crash that causes "serious bodily injury" of another person;
- Any infraction of failing to stop for a school bus; or
- Any infraction of failing to secure loads on vehicles.

HB 1395 w/CS provides legislative findings that road rage and aggressive careless driving are a growing threat to the public's health, safety, and welfare. The bill provides that road rage occurs when a driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian. Aggressive careless driving is when a driver commits multiple traffic control violations simultaneously or in succession. The bill states that it is the intent of the Legislature to reduce road rage and aggressive careless driving, to reduce the incidence of drivers interfering with the movement of traffic, to minimize crashes, and to promote the safe, orderly, and free flow of traffic on the roads and highways of the state.

The bill requires that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane once the person knows or should reasonably know he or she is being overtaken from the rear by another motor vehicle traveling at a higher rate of speed. The bill provides exceptions to this requirement when the slower motor vehicle is in the process of overtaking another vehicle in an adjacent lane or is preparing to turn left.

The bill also amends s. 316.1923, F.S., increasing the number of traffic violations from two to three that a person must commit simultaneously or in succession to be guilty of "aggressive careless driving." The bill also includes failing to yield to overtaking vehicles as one of these traffic violations. A violation is a non-criminal traffic infraction punishable as a moving violation. Offenders would be subject to a $60 fine plus applicable fees and court costs for each violation. The fees and court costs vary from county to county, but the total paid for each citation would range from $112.50 to $133.50, and an assessment of applicable points against the driver's license for each of the acts violated.

Moving violations typically result in assessment of three points, unless the infraction or offense is among those considered more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of four points. Leaving the scene of a crash and speeding resulting in a crash require assessment of six points. All other moving violations require assessment of three points. Section 322.27, F.S., sets out the points system for traffic violations.

In addition to the fines and accumulation of points, the bill provides that any person convicted of aggressive careless driving will be punished upon a first conviction, by fine of $100 and on a second or subsequent conviction, by a fine of not less than $250 or more than $500 and will be subject to a mandatory hearing. The bill also amends s. 318.19, F.S to require a mandatory hearing for a second or subsequent citation for aggressive careless driving.

The DHSMV is required to conduct a public awareness campaign to inform the motoring public about changes in the law, and to utilize, in cooperation with the Florida Highway Patrol, public service announcements. The scope of the campaign will be limited by DHSMV's existing resources for such campaigns and announcements.

C. SECTION DIRECTORY:

Section 1. Providing a popular name.

Section 2. Providing a statement of Legislative findings and intent.

Section 3. Amends s. 316.083, F.S., to require operators of motor vehicles to drive in the right-hand lane on certain roads, streets, or highways.

Section 4. Amends s. 316.1923, F.S., to revise aggressive careless driving provisions and to provide penalties for three or more violations of certain traffic violations.

Section 5. Amends s. 318.19, F.S., to requiring a mandatory hearing for a second or subsequent citation for aggressive careless driving.

Section 6. Provides for a public awareness campaign and public service announcements.

Section 6. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS section, below.

2. Expenditures:

   See FISCAL COMMENTS section, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   See FISCAL COMMENTS section, below.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person violating the aggressive careless driving provision would be subject to a $60 fine plus applicable fees and court costs for each violation. The fees and court costs vary from county to county, but the total paid for each citation would range from $112.50 to $133.50, and an assessment of applicable points against the driver's license for each violation.

D. FISCAL COMMENTS:

HB 1395 w/CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the bill's provisions, therefore the resulting increase in revenue to the state and local governments is indeterminate.

To the extent that the bill deters unsafe traffic activity in Florida, crash-related injuries and deaths could be reduced thereby decreasing associated medical and insurance costs.

The bill directs the DHSMV to conduct a public awareness campaign (including public service announcements) regarding the changes in the law. Because the bill does not provide additional funding to the agency for the campaign, the scope of the public awareness campaign will be limited by what funds are available for such purposes within DHSMV's existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 21, 2006** the Committee on Transportation adopted a strike-all amendment to HB 1395. The amendment made the following changes:

- Provided the popular name the "Road Rage Reduction Act."
- Provided a statement of Legislative intent that road rage occurs when a driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian and aggressive careless driving is when a driver commits multiple traffic control violations simultaneously or in succession.
- Amended s. 316.083, F.S., to provide that on roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person is to continue to operate a motor vehicle in the most left-hand lane when being overtaken.
- Amended s. 316.1923, F.S., to revise aggressive careless driving provisions and to provide penalties for three or more violations of certain traffic violations.
- Amended s. 318.19, F.S., to require a mandatory hearing for a second or subsequent citation for aggressive careless driving.
- Provided that the DHSMV must conduct a public awareness campaign to the motoring public and provide public service announcements regarding changes to the law.
- Provided an effective date of July 1, 2006.

CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to traffic safety; providing a short title; providing legislative findings and intent; amending s. 316.083, F.S.; prohibiting a person from operating a motor vehicle in the most left-hand lane under described circumstances; providing penalties for violations; amending s. 316.1923, F.S.; redefining the term "aggressive careless driving"; providing penalties for aggressive careless driving; amending s. 318.19, F.S.; requiring a hearing for a second or subsequent aggressive careless driving violation; requiring the Department of Highway Safety and Motor Vehicles to provide an educational awareness campaign; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Road Rage Reduction Act."

Section 2. The Legislature finds that road rage and aggressive careless driving are growing threats to the public's health, safety, and welfare. Road rage occurs when a driver or passenger intentionally injures or kills, or attempts or threatens to injure or kill, another motorist, passenger, or pedestrian. Aggressive careless driving occurs when a driver commits multiple traffic control violations simultaneously or in succession. The intent of the Legislature is to reduce road rage and aggressive careless driving, to reduce the incidence of drivers interfering with the movement of traffic, to minimize crashes, and to promote the safe, orderly, and free flow of traffic on the roads and highways of the state.

Section 3. Subsection (3) of section 316.083, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

316.083 Overtaking and passing a vehicle.--The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(3) On roads, streets, or highways with two or more lanes allowing for movement in the same direction, no person shall continue to operate a motor vehicle in the most left-hand lane once such person knows or reasonably should know he or she is being overtaken in such lane from the rear by a motor vehicle traveling at a higher rate of speed except when such motor vehicle is in the process of overtaking a slower vehicle in an adjacent lane or is preparing for a left turn.

(4) ~~(3)~~ A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 4. Section 316.1923, Florida Statutes, is amended to read:

316.1923 Aggressive careless driving.--

(1) "Aggressive careless driving" means committing three ~~two~~ or more of the following acts simultaneously or in succession:

(a) ~~(1)~~ Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.

(b) ~~(2)~~ Unsafely or improperly changing lanes as defined in s. 316.085.

(c) ~~(3)~~ Following another vehicle too closely as defined in s. 316.0895(1).

(d) ~~(4)~~ Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.

(e) ~~(5)~~ Improperly passing or failing to yield to overtaking vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

(f) ~~(6)~~ Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.

(2) Any person convicted of aggressive careless driving shall be guilty of a moving violation and shall be punished as provided in chapter 318, including the accumulation of points as provided in s. 322.27, for each of the acts committed.

(3) In addition to the fines and accumulation of points under subsection (2) for each of the acts committed, a person convicted of aggressive careless driving shall be punished:

(a) Upon a first conviction, by fine of $100.

(b) Upon a second or subsequent conviction, by a fine of not less than $250 or more than $500.

(4) A second or subsequent citation for aggressive careless driving is subject to a mandatory hearing under s. 318.19.

Section 5. Subsections (3), (4), and (5) of section 318.19, Florida Statutes, are amended to read:

318.19 Infractions requiring a mandatory hearing.--Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

(3) Any infraction of s. 316.172(1)(b); ~~or~~

(4) Any infraction of s. 316.520(1) or (2); or

(5) Any second or subsequent infraction of s. 316.1923(1).

Section 6. The Department of Highway Safety and Motor Vehicles shall provide an educational awareness campaign informing the motoring public about the Road Rage Reduction Act. The department shall provide information about the Road Rage Reduction Act in all newly printed driver's license educational materials after October 1, 2006, and in public service announcements produced in cooperation with the Florida Highway Patrol.

Section 7. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1583 CS Community Redevelopment
SPONSOR(S): Davis
TIED BILLS: **IDEN./SIM. BILLS:** SB 2364

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	7 Y, 0 N, w/CS	Camechis	Hamby
2) Growth Management Committee	9 Y, 0 N, w/CS	Grayson	Grayson
3) State Infrastructure Council		Grayson	Havlicak
4)			
5)			

SUMMARY ANALYSIS

The Community Redevelopment Act of 1969 (Act) was established with the intent to revitalize slum and blighted areas "which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state." Community redevelopment agency's (CRAs) are funded primarily through tax increment financing (TIF). As property tax values in the redevelopment area rise above property values in the base year the redevelopment area was created, increment revenues are generated by applying the current millage rate levied by each taxing authority in the area to the increase in value. Each non-exempt taxing authority that levies taxes on property within a community redevelopment area must annually appropriate the amount of increment revenues to a CRA trust fund. These revenues are used to service bonds issued to finance redevelopment project. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years. As of March 26, 2006, there were 171 CRAs in Florida.

This bill amends the Act to revise procedures for calculating tax increment revenues, adopting community redevelopment plans or modifications to plans that expand boundaries of a community redevelopment area, and revise procedures for delegating community redevelopment powers to cities by charter counties. Generally, the bill:

- Authorizes CRAs to contract with certain entities to develop and provide affordable housing and to use tax increment dollars to offer incentives for such development.
- Revises procedures regarding the adoption of community redevelopment plans by certain CRAs, and modifications of community redevelopment plans that expand the boundaries of a redevelopment area, to require a joint hearing between the county and municipality to discuss competing policies and uses for the public funds.
- Establishes limitations in certain circumstances on the amount of tax increment contributions that taxing authorities must contribute to CRAs fitting certain criteria. The bill also authorizes interlocal agreements to provide alternative methods of calculating increment revenues contributed by a taxing authority to a CRA.
- Requires a charter county to approve or deny a city's request for delegation of community redevelopment powers within 120 days or the request is deemed approved.
- Authorizes city and counties to create a slum or blight area study prior to adopting a resolution to create a CRA.

The bill does not appear to have a fiscal impact on the state.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Community Redevelopment Act Generally

The Community Redevelopment Act of 1969, Ch. 163, Part II, F.S. (Act), was enacted to provide a mechanism to revitalize slum and blighted areas "which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state." The Act authorizes each local government to establish one Community Redevelopment Agency (CRA) to revitalize designated slum and blighted areas upon a "finding of necessity" and a further finding of a "need for a CRA to carry out community redevelopment." During the last two decades, municipalities, and to a lesser extent counties, have increasingly relied upon CRAs as a mechanism for community redevelopment.

CRAs are funded primarily through tax increment financing (TIF). As property tax values in the redevelopment area rise above property values in the base year the redevelopment area was created, increment revenues are generated by applying the current millage rate levied by each taxing authority in the area to the increase in value. Each non-exempt taxing authority that levies taxes on property within a community redevelopment area must annually appropriate the amount of increment revenues to the CRA trust fund. These revenues are used primarily to service bonds issued to finance redevelopment projects. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years.

As of March 26, 2006, there were 171 CRAs in Florida.[1]

Creation of Community Redevelopment Agencies

A county or municipality may not exercise redevelopment powers conferred by the Act until after the governing body has adopted a resolution finding that:

> (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and,
> (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.[2]

Further, "[c]ommunity redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment."[3]

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[1] Department of Community Affairs, Special District Detail Report, http://www.floridaspecialdistricts.org/OfficialList/report.asp, March 26, 2006
[2] s. 163.355, F.S.
[3] s. 163.360(1), F.S.

The Act[4] defines "slum area" and "blighted area" as follows:

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

(a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
(b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
(c) The existence of conditions that endanger life or property by fire or other causes.

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
(d) Unsanitary or unsafe conditions;
(e) Deterioration of site or other improvements;
(f) Inadequate and outdated building density patterns;
(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
(h) Tax or special assessment delinquency exceeding the fair value of the land;
(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
(j) Incidence of crime in the area higher than in the remainder of the county or municipality;
(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.

[4] s. 163.340, F.S.

A "community redevelopment area" is defined as "a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment."

The division of authority between a county and municipality regarding the creation or expansion of a municipal CRA depends upon whether the county is a non-charter or charter county, or whether a CRA was created *prior* to adoption of a county charter. The division of authority may be summarized as follows:

	Authority over creation, expansion, or modification of a CRA
Charter County	Charter counties possess sole authority to create CRAs within the county, but may delegate authority to a municipality via interlocal agreement.
Non-Charter County	Non-charter counties do not have authority over the creation, expansion, or modification of municipal CRAs within the county. Therefore, a municipality may create a CRA and operate the CRA, requiring the long-term contribution of TIF payments from the county, even if the county objects or has other county funding issues to address.
A CRA created in a charter county *prior* to adoption of the county charter	The charter county does not have authority over the operations of the CRA, including modification of the redevelopment plan or expansion of CRA boundaries.

Governance of a Community Redevelopment Agency

The governing body of the local government creating a CRA may appoint a board of commissioners of between 5 and 7 members to govern the CRA, or the governing body may declare itself to be the CRA. A governing body that consists of five members may appoint two additional persons to act as members of the CRA board. In a home rule charter county, powers granted under the Act must be exercised exclusively by the governing body of the charter county unless the county adopts a resolution delegating such powers within the boundaries of a municipality to the governing body of the municipality.[5] This limitation does not apply, however, to a CRA created by a municipality prior to the adoption of a county home rule charter. In addition, a non-charter county cannot exercise powers conferred by the Act within the boundaries of a municipality unless the governing body of the municipality expresses its consent by resolution.[6]

Community Redevelopment Agency Plans

Each community redevelopment area must have an approved community redevelopment plan in conformance with the local government comprehensive plan.[7] The plan must be sufficiently complete to indicate any land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation to be carried out in the designated area.[8] The plan must also provide for the development of affordable housing in the area or state the reasons for not addressing the issue in the plan.[9] The local government may subsequently modify the community redevelopment plan upon the recommendation of the CRA.[10]

[5] s. 163.410, F.S.
[6] s. 163.415, F.S.
[7] s. 163.358(2)(a), F.S.
[8] s. 163.358(2)(b), F.S.
[9] s. 163.358(2)(c), F.S.
[10] s. 163.361, F.S.

Section 163.361, F.S., governs the modification of community redevelopment plans, and authorizes CRAs -- those created by counties or cities -- to modify such plans after public notice and a public hearing. Section 163.361(1), F.S., allows amendments to the redevelopment plan to change the boundaries of a redevelopment area or the development and implementation of community policing innovations. The section places no restrictions on the magnitude of expansions or exclusions, nor does the section distinguish between modifications to plans in charter and non-charter counties.

Redevelopment Trust Funds and Tax Increment Financing

Section 163.387, F.S., provides for the creation of a redevelopment trust fund for each CRA. Funds allocated to and deposited into this fund are used by the CRA to finance any community redevelopment undertaken based on an approved community redevelopment plan. In tax increment financing, property values in a certain defined community redevelopment area are frozen by local ordinance at the assessed value for the base year, which is the year in which the community redevelopment area was established. As redevelopment proceeds within the redevelopment area, the actual assessed value of property within the redevelopment area should increase, generating tax increment revenues for the CRA.

Section 163.340(2), F.S., defines "taxing authority" to mean the state or any county, municipality, authority, special district as defined in s. 165.031(5), F.S., or other public body of the state, except a school district." Taxing authorities that levy ad valorem taxes on property located within a community redevelopment area are required to deposit the incremental revenue generated as a result of this increase in property value into a redevelopment trust fund for the CRA's use. Section 163.387, F.S., specifically provides that "the annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with undertaking and carrying out of community redevelopment under this part."

Exemptions from Tax Increment Financing

Section 163.387(2)(c), F.S., exempts the following public bodies or taxing authorities created prior to July 1, 1993, from the requirement to deposit an appropriation equaling incremental revenue into a CRA's redevelopment trust fund:

- A special district that levies ad valorem taxes on taxable real property in more than one county.
- A special district, the sole available source of revenue of which is ad valorem taxes at the time an ordinance is adopted under this section.
- A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- A neighborhood improvement district created under the Safe Neighborhoods Act.
- A metropolitan transportation authority.
- A water management district created under s. 373.069, F.S.

In addition, a local governing body that creates a CRA may exempt a special district that levies ad valorem taxes within that community redevelopment area from the requirement to deposit incremental revenue into a CRA's redevelopment trust fund.[11] The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request for an exemption from contributing to the trust fund. In deciding whether to deny or grant a special district's request for exemption, the local governing body must consider certain specified factors.

The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place and purpose of the hearing, identify generally the community redevelopment area covered by the

[11] s. 163.387(2)(d), F.S.

plan, and the impact of the plan on the special district that requested the exemption. If a local governing body grants an exemption to a special district, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including the period of time for which the exemption is granted. If a local governing body denies a request for exemption by a special district, the local governing body must provide the special district with a written analysis specifying the rationale for the denial.

The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to procedures established by the governing body.

Community Redevelopment Agency Powers

CRAs are granted those powers "necessary or convenient to carry out and effectuate the purposes of the act." These powers include the power to issue bonds and acquire property by eminent domain, if approved by the governing body that established the CRA. CRAs are also granted the power to undertake and carry out community redevelopment and related activities within the community redevelopment area. Redevelopment may include such activities as the acquisition and disposition of real property located within the community redevelopment area and the repair or rehabilitation of structures within the community redevelopment area for dwelling uses.[12]

Charter counties and non-charter counties are treated differently under the Act. Section 163.410, F.S., grants charter counties exclusive authority to exercise the powers of the Act, but allows a charter county to delegate such powers to a municipality. In 1983, ch. 83-29, L.O.F., was enacted to provide that the section does not apply to any community redevelopment agency created by a municipality prior to adoption of a county home rule charter. Noncharter counties are not granted exclusive control over community redevelopment activities.

Legislative Committee on Intergovernmental Relations (LCIR) Study

During the 2003-2004 interim, the LCIR conducted a study of economic revitalization initiatives in distressed urban areas. During the study, local governments in Florida cited CRAs as the most commonly used economic development and revitalization program in Florida. The LCIR continued reviewing the issue of urban revitalization with an emphasis on CRAs. At the conclusion of the review, LCIR issued a comprehensive report in January 2005 entitled Local Government Concerns Regarding Community Redevelopment Agencies in Florida (Report). The Report included the following "Findings":

- County and municipal governments agree that CRAs are useful mechanisms for addressing slum and blight.
- Representatives from municipal government and CRA officials prefer no change to existing CRA statutes, stating that current law has resulted in improvements to areas previously designated as slum or blighted.
- Representatives from municipal government and CRA officials also submit that any problems can best be addressed locally through interlocal agreements rather than statutory changes.
- Representatives of county government advocate changes to existing CRA statutes, stating current law is responsible for creating an imbalance in power between municipal and county governments.
- Problems cited by county government representatives include, among others: county government has insufficient input into operations and expansion of existing CRA districts and creation of new districts; and non-charter counties have no voice whatsoever in CRA activities within their jurisdiction.
- Current law does not require or provide for interlocal agreements between county and municipal governments.

[12] s. 163.370(1)(c), F.S.

- According to 2003 millage rates for county and municipal governments, 78 municipalities with CRAs have lower millage rates than their host county and 36 municipalities with CRAs have higher millage rates than their host county.
- LCIR staff estimates that, based on 2003 millage rates, county government contributes $81,674 to municipal CRAs per each $100,000 increase in the CRA district's taxable value (assumed increase), compared to municipal government contribution of $66,905 to municipal CRAs per each $100,000 increase in the CRA district's taxable value.
- A recent evaluation of three CRAs in Florida, sponsored by the Florida Redevelopment Association, found that TIF payments impose a greater financial burden on municipalities than on counties when measured as a percent of taxable property values and as a percent of overall operating revenues. In addition, some municipalities contribute larger TIF payments than do their host counties.

Effect of Proposed Changes

Section 1. Amending s. 163.340, F.S., relating to Definition of "Taxing Authorities"
This section amends. s. 163.340, F.S., to create a definition of the term "taxing authorities" as follows: "Taxing authority" means any public body other than a public body exempted under s. 163.387 (2) from the obligation to appropriate increment revenues to a redevelopment trust fund." This section further amends s. 163.340, F.S., to provide a definition of "community redevelopment area" (CRA) to provide that a CRA cannot consist of more than 80% of the municipality without the county's approval.

Section 2. Amending s. 163.346, F.S., relating to Notice to Taxing Authorities
Currently, s. 163.346, F.S., requires a city or county governing body to notify all taxing authorities prior to enacting any resolution or ordinance required to create a community redevelopment agency; prior to approving, adopting, or amending a community redevelopment plan; and prior to issuing redevelopment revenue bonds. The governing body must provide public notice of such proposed action and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

This bill amends s. 163.346, F.S., to also require notice to taxing authorities if the governing body of the city or county adopts a resolution establishing a slum and blight study area under s. 163.354, F.S., as created by this bill.

Section 3. Creates s. 163.354, F.S., relating to Development of Study Area
This new section authorizes the governing body of a city or county to adopt a resolution establishing a slum and blight study area before adopting a resolution making a finding of necessity to create a CRA as required by s. 163.355, F.S.

Section 4. Amends s. 163.360, F.S., relating to Community Redevelopment Plans
Under current s. 163.360, F.S., a county, municipality, or CRA may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. The CRA must submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body must conduct a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice must describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration. Following the hearing, the governing body may approve the community redevelopment and the plan if it makes certain determinations required by law.

This bill amends that section to authorize a CRA to contract with qualified nonprofits, faith based organizations or other entities to develop and provide affordable and workforce housing in the area, as

well as use tax increment dollars to offer incentives for such development. Examples of incentives are: low interest or no interest loans through qualified lenders or the CRA itself; revolving loans; façade improvement loans or grants; matching, seed or leverage dollars for loans or grants; and developer subsidies. Other incentives as determined needed by the CRA may be provided. For the purposes of this provision, "affordable housing" means housing that meets the definition of "affordable" under s. 420.0004(3), F.S., and "workforce housing" means housing for which the monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households whose income is 150% of the median income of the area.

The bill also creates additional procedures for approving plans recommended by CRAs created after October 1, 2006, that were not created pursuant to a delegation of authority by a charter county to a city. For any CRA created after October 1, 2006, that was not created pursuant to a delegation of authority under s. 163.410, F.S., by a county that has adopted a home rule charter, the following additional procedures are required prior to the adoption of a community redevelopment plan by the governing body of a municipality:

1) Within 30 days after receipt of any community redevelopment plan recommended by a CRA sent by registered mail, the county shall provide written notice to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed community redevelopment plan.
2) If the county provides notice within 30 days as required by 1), the board of county commissioners and the governing body of the municipality that created the community redevelopment agency must schedule and hold a joint hearing co-chaired by the chair of the board of county commissioners and the municipal mayor at which the competing policy goals for the public funds must be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan to address the conditions identified in the resolution making a finding of necessity required by s. 163.355, F.S. If the county proposes an alternative redevelopment plan, the alternative plan must be delivered to the governing body of the municipality that created the CRA at least 30 days prior to holding the joint meeting.
3) If the county provides notice within 30 days as required by 1), the municipality may not proceed with adoption of the plan until 30 days after the joint hearing unless the board of county commissioners failed to schedule and attend the joint hearing within the required 90-day period.

Notwithstanding the timeframes described above, the county and the municipality may at any time voluntarily use the dispute resolution process established in ch. 164, F.S., to attempt to resolve any competing policy goals between the county and municipality related to the CRA; however, a county or municipality may not require the other to participate in the voluntary dispute resolution process.

Section 5. Amends s. 163.361, F.S., relating to Modification of Redevelopment Plans
Currently, if at any time after the approval of a community redevelopment plan by the governing body of the city or county creating a CRA it becomes necessary or desirable to amend or modify the plan, the governing body may do so upon the recommendation of the CRA. The CRA recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations. The governing body must hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the CRA.

Prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan, the CRA must report the proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding the proposed modification.

This bill amends s. 163.361, F.S., to create additional procedures applicable to municipal CRAs that were not created pursuant to a delegation of authority by October 1, 2006 under s. 163.410, F.S., by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area, the following additional procedures are required prior to the governing body's adopting a modified community redevelopment plan:

1) Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed modification to the community redevelopment plan.
2) If the county provides notice within 30 days as required in 1), the board of county commissioners and the governing body of the municipality that created the community redevelopment agency must schedule and hold a joint hearing co-chaired by the chair of the board of county commissioners and the municipal mayor at which the competing policy goals for the public funds must be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan to address the conditions identified in the resolution making a finding of necessity required under s. 163.355, F.S. If the county proposes an alternative redevelopment plan, the plan must be delivered to the governing body of the municipality that created the community redevelopment agency at least 30 days prior to the joint meeting.
3) If the county provides notice within 30 days as required in 1), the municipality may not proceed with the adoption of the proposed modification to the community redevelopment plan until 30 days after the joint hearing unless the board of county commissioners failed to schedule and attend the joint hearing within the required 90-day period.

Notwithstanding the timeframes established above, the county and the municipality may at any time voluntarily use the dispute resolution process established in ch.164, F.S., to attempt to resolve any competing policy goals between the county and municipality related to the expansion of the boundaries of the community redevelopment area; however, the county or the municipality may not require the other to participate in the voluntary dispute resolution process.

Section 6. Amends s. 163.370, F.S., relating to Powers of Counties and Municipalities
Section 163.370, F.S. is amended to provide clarifying language and to remove a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.

Section 7. Amends s. 163.387, F.S., relating to the Redevelopment Trust Fund
Section 163.387, F.S., authorizes the establishment of a redevelopment trust fund into which all tax increment revenues are deposited. This section establishes the mechanism for calculating the tax increment revenues deposited into the trust fund for redevelopment purposes. CRAs created prior to 2002 may receive TIF contributions for 60 years, while CRAs subsequently created may receive TIF contributions for 40 years.

The bill amends s. 163.387, F.S., to limit the amount of tax increment revenue owed by taxing authorities to any CRA created after October 1, 2006, that is not created pursuant to a delegation of authority by a charter county. The amount of tax increment to be contributed by any taxing authority is limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate is calculated using the millage rate imposed by

the governing body that created the trust fund; however, a taxing authority may voluntarily contribute tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, the taxing authority, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail delivered to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, may limit the amount of increment contributed by the taxing authority to the trust fund to the average annual amount the taxing authority was obligated to contribute to the trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. The term "area reinvestment agreement" is defined as "an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in public infrastructure or services, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area." A reinvestment agreement must specify the estimated total amount of public investment necessary to provide the public infrastructure or services, or both, including any applicable debt service. The increase in the increment of any area that is subject to an area reinvestment agreement following the passage of the above-required resolution ceases when the amount specified in the area reinvestment agreement as necessary to provide the public infrastructure or services, or both, including any applicable debt service, have been invested.

The bill provides that the community redevelopment plan must include a time certain that a CRA may receive or spend any increment revenues from the trust fund.

The bill authorizes an interlocal agreement between the taxing authorities contributing that may determine the increment and percentage different that that provided in current law.

The bill limits the taxing authority for any CRA that had not authorized a finding of necessity study by June 5, 2006, and that had not created the CRA by December 31, 2006, and that had not adopted a community redevelopment plan by March 7, 2007.

For any CRA that was not created pursuant to a delegation of authority under s. 163.410, F.S., by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area is limited as set forth in s. 163.387(1)(b)1.a. and b., F.S.

The bill provides that a CRA may partially or entirely waive penalty payments imposed upon any taxing authority that fails to timely pay the required increment revenues into the trust fund. Additionally, the bill authorizes that alternate provisions contained in interlocal agreements between the taxing authorities may supercede the provisions of the statute; and provides that the CRA may be an additional party to such interlocal agreement.

The bill also provides that an alternative method of determining the amount and time or times of payment of, and rate of interest upon, tax increments contributed to the trust fund, including formulae and limits different than those specified in law may be established through interlocal agreement between any taxing authorities required to contribute a tax increment to the trust fund and the governing body that created the CRA.

The bill provides exemptions for certain entities from the requirements relating to taxing authorities found in s. 163.387 (2)(a).

The bill further provides the following:

- An interlocal agreement between any of the other taxing authorities and the governing body that created the Community Redevelopment Agency may supercede the requirement that the governing body fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, and interest thereon, of a Community Redevelopment Agency incurred as a result of redevelopment in a CRA have been paid.
- Moneys in the redevelopment trust fund may be expended pursuant to the community redevelopment plan.
- Expenses that can be paid from tax increment within the redevelopment trust fund include services provided by another public body.
- CRAs can spend moneys from the redevelopment trust fund to relocate residents either within or outside the CRA.
- Moneys appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan must be expended within 3 years from the date of the appropriation. Existing law requires the project to be completed within 3 years.

Section 8. Amends s. 163.410, F.S., relating to Charter Counties

Currently, s. 163.410, F.S., provides that in a charter county, the powers conferred by the Act must be exercised exclusively by the governing body of the county unless the county governing body delegates the power, by resolution, to the governing body of a municipality. A delegation to a municipality confers only those powers that are specifically enumerated in the delegating resolution. Any power not specifically delegated is reserved exclusively to the county governing body. This provision does not, however, affect any CRA created by a municipality prior to the adoption of a county home rule charter.

Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between a charter county and a municipality, the charter county governing body must "act on" any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request must be immediately sent to the county governing body for consideration.

This bill amends s. 163.410, F.S., to require the county to "approve or deny" a request for a delegation within 120 days after receipt of all required documentation. If the charter county does not approve or deny the request within that timeframe, the request is deemed granted. Any request by the county for additional documentation or other information must be made in writing by registered mail to the municipality. The bill provides a 30 day period within which the county must notify the municipality if additional documentation is needed to support the request. The bill specifies how the county must request additional documentation if needed, and provides another 30 day period for review of the additional documentation and completeness notification. The county must notify the municipality in writing by registered mail within 30 days after receiving all the required documentation and other requested information that such information is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request must be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request is deemed granted

C. SECTION DIRECTORY:

Section 1. Amending s. 163.340, F.S.; defining the term "taxing authority";
Section 2. Amending s. 163.346, F.S.; revising a requirement that a governing body notify taxing authorities before taking certain actions;

Section 3. Creating s. 163.354, F.S.; authorizing the adoption of a resolution establishing a slum and blight study area before making a finding of necessity;

Section 4. Amending s. 163.360, F.S.; specifying additional notice, hearing, and dispute resolution procedures for adoption of a community redevelopment plan for certain community redevelopment agencies;

Section 5. Amending s. 163.361, F.S.; specifying additional notice, hearing, and dispute resolution procedures for adoption of a modified community redevelopment plan expanding redevelopment area boundaries for certain community redevelopment agencies;

Section 6 Amending s. 163.370, F.S.; providing clarifying language and removing a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.

Section 7. Amending s. 163.387, F.S.; specifying for certain redevelopment agencies certain limitations on amounts of increment contributed to a redevelopment trust fund by certain taxing authorities; authorizing enactment of an interlocal agreement providing for an alternative determination of amounts of, payment schedules for, and interest on increment contributions to a redevelopment trust fund;

Section 8. Amending s. 163.410, F.S.; providing requirements for actions by certain counties delegating or changing a delegation of powers to a municipality for community redevelopment areas;

Section 9. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: This bill provides limitations on the required contributions of a taxing authority in a CRA in certain circumstances. It also allows for an alternative method of calculating the amount, times of payment, and interest on increment revenues.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 29, 2006, the Local Government Council adopted a strike-all amendment to the bill for the purpose of clarifying provisions in the bill as filed. The strike-all amendment does the following:

- Amends s. 163.340(10), F.S., the definition of "community redevelopment area" (CRA) to provide that a CRA cannot consist of more than 80% of the municipality without the county's approval.
- Amends s. 163.340(24), F.S., the definition of "taxing authority" to provide that the definition applies to any public body excluding a public body exempted from the obligation to appropriate increment revenues to a redevelopment trust fund pursuant to s. 163.387(2), F.S.
- For CRA plan development, the amendment changes the criteria identifying those CRAs for which additional procedures are required. Additionally, the amendment allows, rather than requires, the county to provide written notice by registered mail if the county has competing policy goals and plans for the public funds it would be required to contribute to the tax increment under the CRA plan. When the county provides such notice, the amendment provides for a public hearing chaired by both the county chair and the municipal mayor. Further the amendment provides a process by which the county may propose and submit an alternative redevelopment plan.
- Establishes October 1, 2006, as the date after which certain CRAs may not expand their boundaries without following additional procedures.
- For CRA plan modification, the amendment provides for a joint public hearing chaired by both the county chair and municipal mayor. Further, the amendment provides a process by which the county may propose and submit an alternative redevelopment plan.
- Changes, the time period regulating when the municipality may proceed with the plan adoption to 30 days from 45 days.
- Amends s. 163.370, F.S., to accomplish clarifying edits and to remove a limitation on the use of tax increment funds for certain installation, construction, reconstruction, repair or alteration of publicly owned capital improvement projects if 3 years have expired since the removal of the project from the CRA capital improvement plan.
- Provides that generally government operating expenses, including payments or reimbursements for services provided to the agency by any public body, unrelated to the planning and carrying out of a community redevelopment plan may not be paid for or financed by increment revenues.
- Allows, rather than requires, a CRA to establish a redevelopment trust fund and prohibits the collection or use of tax increment funds until such a trust fund is established; and authorizes an interlocal agreement that may establish a tax increment different than the one statutorily established.
- Provides that the community redevelopment plan must include a time certain that a CRA may receive or spend any increment revenues from the trust fund.
- Authorizes an interlocal agreement between the taxing authorities contributing that may determine the increment and percentage different than that provided in current law.
- Limits the taxing authority for any CRA that had not authorized a finding of necessity study by June 5, 2006, and that had not created the CRA by December 31, 2006, and that had not adopted a community redevelopment plan by March 7, 2007.
- Changes the time after which a resolution can be passed to limit the amount of increment contributed by the taxing authority to the trust fund in the fiscal year immediately preceding the adoption of such resolution.
- Provides that a CRA may waive the penalty, in whole or in part, for a taxing authority that fails to pay the increment revenues to the trust fund by January 1 of each year.
- Provides exemptions for certain entities from the requirements relating to taxing authorities found in s. 163.387 (2)(a), F.S.

- Provides that an interlocal agreement between any of the other taxing authorities and the governing body that created the Community Redevelopment Agency may supercede the requirement that the governing body fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, and interest thereon, of a Community Redevelopment Agency incurred as a result of redevelopment in a CRA have been paid.
- Provides that moneys in the redevelopment trust fund may be expended pursuant to the community redevelopment plan.
- Provides that expenses that can be paid from tax increment within the redevelopment trust fund include services provided by another public body.
- Provides that the CRA can spend moneys from the redevelopment trust fund to relocate residents either within or outside the CRA.
- Provides that moneys appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan must be expended within 3 years from the date of the appropriation. Existing law requires the project to be completed within 3 years.
- Provides that rather than be sent immediately to the governing body for consideration, any request from a municipality to a governing body of the county that has adopted a home rule charter for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request shall be deemed granted if not granted in whole or in part or denied. The amendment further provides the following requirements for handling such a request:
    - Within 30 days of receipt of the request, the county shall notify by registered mail whether the request is complete or if additional documentation is required.
    - The county shall notify the municipality by registered mail within 30 days whether such additional documentation is complete.
    - Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any.
    - The county shall notify the municipality by registered mail within 30 days after receiving the additional documentation whether such information is complete.
    - If the meeting of the county commission at which the request for a delegation of powers or a change in existing delegation of powers I unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation.
    - Should the county not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

CHAMBER ACTION

The Growth Management Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to community redevelopment; amending s. 163.340, F.S.; revising certain definitions; defining the term "taxing authority"; amending s. 163.346, F.S.; revising criteria for a notice to taxing authorities; creating s. 163.354, F.S.; authorizing a local governing body to adopt a resolution establishing a slum and blight study area under certain circumstances; amending s. 163.360, F.S.; specifying additional procedures required for adoption of community redevelopment plans by the governing body of certain counties for certain community redevelopment agencies; amending s. 163.361, F.S.; specifying additional procedures required for adoption of a modified community redevelopment plan by a governing body of certain counties for certain community redevelopment agencies; amending s. 163.370, F.S.; revising provisions relating to powers of counties, municipalities, and community redevelopment agencies; revising provisions relating to projects ineligible for

increment revenues; amending s. 163.387, F.S.; revising provisions relating to redevelopment trust funds; providing limitations on the amount of tax increment contributions by a taxing authority for certain community redevelopment agencies; authorizing a community redevelopment agency to waive certain increment payment penalties; authorizing alternate provisions in certain interlocal agreements to supersede certain provisions of law; amending s. 163.410, F.S.; providing additional requirements for requests for information relating to requests for delegation of certain powers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (2) and (10) of section 163.340, Florida Statutes, are amended, and subsection (24) is added to that section, to read:

163.340 Definitions.--The following terms, wherever used or referred to in this part, have the following meanings:

(2) "Public body" ~~or "taxing authority"~~ means the state or any county, municipality, authority, special district as defined in s. 165.031(5), or other public body of the state, except a school district.

(10) "Community redevelopment area" means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area

that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of the municipality without approval by the county.

(24) "Taxing authority" means a public body that levies an ad valorem tax on real property located in a community redevelopment area. The term excludes a public body exempted pursuant to s. 163.387(2) from the obligation to appropriate increment revenues to a redevelopment trust fund.

Section 2. Section 163.346, Florida Statutes, is amended to read:

163.346 Notice to taxing authorities.--Before the governing body adopts any resolution or enacts any ordinance required under s. 163.354, s. 163.355, s. 163.356, s. 163.357, or s. 163.387; establishes a study area; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

Section 3. Section 163.354, Florida Statutes, is created to read:

163.354 Development of study area.--Prior to adopting a resolution making a finding of necessity required by s. 163.355, the governing body may adopt a resolution establishing a slum and blight study area.

Section 4. Paragraph (d) is added to subsection (2) of section 163.360, Florida Statutes, and subsection (6) of that section is amended, to read:

163.360 Community redevelopment plans.--

(2) The community redevelopment plan shall:

(d) The agency may contract with qualified nonprofit organizations, faith-based organizations, or other entities to develop and provide affordable and workforce housing in the redevelopment area and use tax increment dollars to offer incentives for such development, including, but not limited to, low interest or no interest loans through qualified lenders or the agency itself; revolving loans; façade improvement loans or grants; matching, seed, or leverage dollars for loans or grants; developer subsidies; and any other incentives determined to be needed by the agency. For purposes of this paragraph, the term "affordable housing" means housing that meets the definition of affordable under s. 420.0004(3) and the term "workforce housing" means housing for which the monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households whose income is 150 percent of the median income of the area.

(6)(a) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(b) For any community redevelopment agency that had not authorized a finding of necessity study by June 5, 2006, had not created a community redevelopment agency by December 31, 2006, had not adopted a community redevelopment plan by March 7, 2007, and was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the board of county commissioners and the governing body of the municipality that created the community

redevelopment agency shall schedule and hold a joint hearing co-chaired by the county commission chair and the mayor of the municipality, with the agenda to be set by the county commission chair, at which the competing policy goals for the public funds shall be discussed. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the board of county commissioners has failed to schedule and attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require

the other local government to participate in the dispute resolution process.

Section 5. Subsection (3) of section 163.361, Florida Statutes, is amended to read:

163.361 Modification of community redevelopment plans.--

(3)(a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:

1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality that the county has competing policy goals and plans for the public funds the county would be required to contribute to the tax increment

under the proposed modification to the community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the board of county commissioners and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the county commission chair and the mayor of the municipality, with the agenda to be set by the county commission chair, at which the competing policy goals for the public funds shall be discussed. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under s. 163.360(7) until 30 days after the joint hearing unless the board of county commissioners has failed to schedule and attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at

any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

Section 6. Paragraphs (c), (e), (h), and (n) of subsection (1), paragraphs (b) and (c) of subsection (2), and paragraph (a) of subsection (3) of section 163.370, Florida Statutes, are amended to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.--

(1) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which ~~redevelopment~~ may include:

1. Acquisition of a slum area or a blighted area or portion thereof.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for

carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan as provided in s. 163.380.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision

of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise any personal or real property ~~(or personal property for its administrative purposes)~~, together with any improvements thereon; except that a community redevelopment agency may not exercise any power of eminent domain unless the exercise has been specifically approved by the governing body ~~of the county or municipality which established the agency~~.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality

against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(h) ~~Within its area of operation,~~ To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(n) ~~Within its area of operation,~~ To organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(2) The following projects may not be paid for or financed by increment revenues:

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects ~~which are not an integral part of or necessary for carrying out the community redevelopment plan if such projects or improvements are normally financed by the governing body with user fees or~~ if such projects or improvements were scheduled to ~~would~~ be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed since such removal.

(c) General government operating expenses, including payments or reimbursements for services provided to the agency by any public body, unrelated to the planning and carrying out of a community redevelopment plan.

(3) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses, provided such acquisition is not pursuant to s. 163.375.

Section 7. Subsection (1), paragraphs (a), (b), and (c) of subsection (2), and subsections (3) through (8) of section 163.387, Florida Statutes, are amended to read:

163.387 Redevelopment trust fund.--

(1)(a) After approval of a community redevelopment plan, there may ~~shall~~ be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the ~~for the duration of a~~

community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Absent an interlocal agreement between the taxing authorities contributing to the trust fund created pursuant to this section, such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1.~~(a)~~ The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and

2.~~(b)~~ The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body of any county as defined in s. 125.011(1) may, in the ordinance providing for the funding of a

trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2. ~~paragraphs (a) and (b)~~, but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any community redevelopment agency that had not authorized a finding of necessity study by June 5, 2006, had not created a community redevelopment agency by December 31, 2006, had not adopted a community redevelopment plan by March 7, 2007, and was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing

authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, the taxing authority may limit the amount of increment contributed by the taxing authority to the redevelopment trust fund to the amount of increment the taxing authority was obligated to contribute to the redevelopment trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. As used in this subparagraph, the term "area reinvestment agreement" means an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in public infrastructure or services, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area. Any such reinvestment agreement must specify the estimated total amount of public investment necessary to provide the public infrastructure or services, or both, including any applicable debt service. The increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph is limited to the amount specified in the area reinvestment agreement as necessary to provide the public infrastructure or services, or both,

including any applicable debt service, that is the subject of the agreement. The contribution to the redevelopment trust fund of the increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph shall cease when the amount specified in the area reinvestment agreement as necessary to provide the public infrastructure or services, or both, including any applicable debt service, have been invested.

2. For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area shall be limited as set forth in sub-subparagraphs 1.a. and b.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment as defined and determined in subsection (1) or paragraph (3)(b) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed

30 years after the date the governing body amends the plan. However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.

(b) Any taxing authority that does not pay the increment revenues to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment revenues and shall pay interest on the amount of the unpaid increment revenues equal to 1 percent for each month the increment is outstanding, provided the agency may waive such penalty payments in whole or in part.

(c) The following public bodies ~~or taxing authorities~~ are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.

2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.

3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.

4. A neighborhood improvement district created under the Safe Neighborhoods Act.

5. A metropolitan transportation authority.

6. A water management district created under s. 373.069.

(3)(a) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(b) Alternate provisions contained in an interlocal agreement between any of the other taxing authorities and the governing body that created the community redevelopment agency may supersede the provisions of this part. The community redevelopment agency may be an additional party to any such agreement.

(4) The revenue bonds and notes of every issue under this part are payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the increment revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such increment revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the ~~local~~ governing body or the state or any

political subdivision thereof, or a pledge of the faith and credit of the ~~local~~ governing body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the ~~local~~ governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(6) Moneys in the redevelopment trust fund may be expended from time to time for undertakings of a community redevelopment agency as described in the ~~which are directly related to financing or refinancing of redevelopment in a community redevelopment area pursuant to an approved~~ community redevelopment plan for the following purposes, including, but not limited to:

(a) Administrative and overhead expenses, including services provided by another public body, necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.

(b) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.

(c) The acquisition of real property in the redevelopment area.

(d) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of ~~agency~~ bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(g) The development of affordable housing within the community redevelopment area.

(h) The development of community policing innovations.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(a) Returned to each taxing authority ~~which paid the increment~~ in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities ~~within the redevelopment area~~ for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan which shall be expended ~~project will be completed~~ within 3 years from the date of such appropriation.

(8) Each community redevelopment agency shall provide for an ~~independent financial~~ audit of the trust fund each fiscal year and a report of such audit to be prepared by an independent certified public accountant or firm. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which ~~is pledged~~ increment revenues are pledged and the remaining amount of such indebtedness. The agency shall provide by registered mail a copy of the report to each taxing authority.

Section 8. Section 163.410, Florida Statutes, is amended to read:

163.410 Exercise of powers in counties with home rule charters.--In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a

municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall grant in whole or in part ~~act on~~ any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation or such request shall be deemed granted. Within 30 days after receipt of the request, the county shall notify the municipality by registered mail whether the request is complete or if additional information is required. The county shall notify the municipality by registered mail within 30 days after receiving the additional information whether such additional documentation is complete. Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any. The county shall notify the municipality by registered mail within 30 days after receiving the additional documentation whether such information is complete. If the meeting of the county commission at which the request for a delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request shall be

acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted ~~immediately sent to the governing body for consideration~~.

Section 9. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7089 PCB TURS 06-02 Facilities for Retained Spring Training Franchises
SPONSOR(S): Tourism Committee and Rep. Detert
TIED BILLS: **IDEN./SIM. BILLS:** SB 1886

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Tourism Committee	8 Y, 0 N	Langston	McDonald
1) Transportation & Economic Development Appropriations Committee	18 Y, 0 N	McAuliffe	Gordon
2) State Infrastructure Council		Langston	Havlicak
3)			
4)			
5)			

SUMMARY ANALYSIS

Chapter 2000-186, LOF, created a one-time funding opportunity for at least five applicants certified as facilities for retained spring training franchises. Applications for consideration for certification were required to be submitted to the Office of Tourism, Trade, and Economic Development (OTTED) by October 1, 2000 with certifications being given by January 1, 2001. OTTED was required to competitively evaluate applications. OTTED certified applicants based upon the statutory criteria and notified the Department of Revenue of the certifications. The Department of Revenue was instructed to distribute sales tax proceeds to any applicant certified under s. 288.1162(5), F.S., as a "facility for a retained spring training franchise." A certified applicant could receive up to $41,667 monthly for up to 30 years. However, not more than $208,335 could be distributed monthly in the aggregate to all applicants certified as facilities for retained spring training franchises. The duration and total amount of funding varies depending upon the certification. The five existing certifications are: Lakeland - Detroit Tigers, Dunedin -Toronto Blue Jays, Indian River - Los Angeles Dodgers, Osceola County - Houston Astros, and Clearwater - Philadelphia Phillies.

The bill provides for certification of up to five additional applicants as facilities for retained spring training franchises. Applications must be received by OTTED by October 1, 2006 and certifications made by January 1, 2007. The bill uses the same procedures used for the one-time funding of the five certified applicants in 2001 with the exception of the criteria. The bill includes additional selection criteria, including a prohibition against consideration of an application for those franchises that have more than five years remaining on an existing lease. The aggregate amount of funding for certified applicants is up to $41,667 per facility per month for a total aggregate monthly maximum of $208,335.

The bill amends s. 212.20, F.S., to increase the aggregate distribution of sales and use tax distributions to all applicants certified as facilities for a retained spring training franchises to $416,670 to accommodate the five additional certifications. It also provides that both the amount and duration of distribution established in the certification cannot be altered. The addition of five certifications of applicants as retained spring training franchise facilities will have a maximum negative impact of ($833,340) in fiscal year 2006-2007 and a maximum recurring negative impact of ($2,500,020) annually beginning in fiscal year 2007-2008 and continuing for up to 30 years. See "Fiscal Comments."

Currently, five retained spring training franchises with no more than 5 years remaining on existing leases are the Baltimore Orioles, Cincinnati Reds, Cleveland Indians, Pittsburgh Pirates, and the Tampa Bay Devil Rays.

The bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government- The bill increases responsibilities for the Governor's Office of Tourism, Trade, and Economic Development and the Department of Revenue relating to the certification and distribution processes related to applicants for facilities for retained spring training franchises.

Ensure Lower Taxes – The bill requires an annual distribution from sales tax revenues of up to $2,500,020 for additional certifications for applicants for facilities for retained spring training franchises. See details below.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Facilities for Retained Spring Training Franchise - Certification

Chapter 2000-186, LOF, created a one-time funding opportunity for at least five applicants certified as facilities for retained spring training franchises. Applications for consideration for certification were required to be submitted to the Office of Tourism, Trade, and Economic Development (OTTED) by October 1, 2000 with certifications being given by January 1, 2001. OTTED was required to competitively evaluate applications. If the number exceeded five and the aggregate funding request exceeded $208,335 per month, OTTED was required to rank the applications according to criteria delineated in s. 288.1162(5)(c), F.S. OTTED could not certify partial funding to any applicant certified as a facility for a retained spring training franchise.

Prior to certifying, OTTED was required to determine that a unit of local government was responsible for the acquisition, construction, management or operation of the retained spring training franchise facility or held title to the property on which the facility was located; the applicant had a verified copy of a signed agreement with a retained spring training franchise for the use of the facility for a term of at least 15 years; the applicant had a financial commitment of 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility; the applicant had valid projections demonstrating that the facility would attract paid attendance of at least 50,000 annually; and, that the facility was located in a county levying a tourist development tax pursuant to s.125.0104, F.S.

Funds could not be expended to subsidize privately-owned and maintained facilities for use by the retained spring training franchise. Funds could be used to relocate an existing retained spring training franchise to another unit of local government within the state if the local government from which it was relocating agreed to the move. Other than the use of funds for an agreed to relocation, funds could only be used to pay for acquisition, construction, reconstruction, or renovation of a facility or to pay or pledge for the payment of debt service on a facility or for the reimbursement or refinancing of bonds issued.

The Department of Revenue was instructed to distribute sales tax proceeds to any applicant certified under s. 288.1162(5), F.S., as a "facility for a retained spring training franchise." A certified applicant could receive up to $41,667 monthly for up to 30 years. However, not more than $208,335 could be distributed monthly in the aggregate to all applicants certified as facilities for retained spring training franchises.

OTTED certified the following:

• Lakeland	Detroit Tigers	$ 7 million	15 years
• Dunedin	Toronto Blue Jays	$10 million	20 years
• Indian River	Los Angeles Dodgers	$15 million	30 years
• Osceola County	Houston Astros	$ 7.5 million	15 years
• Clearwater	Philadelphia Phillies	$15 million	30 years

Funding – Tax Distribution

Chapter 212, F.S., imposes a state sales and use tax of six percent on retail sales of most tangible personal property, admissions, transient lodgings, commercial rentals, and motor vehicles. Tax collections are deposited by the Department of Revenue (DOR) in the General Revenue Fund of the state and into a variety of trust funds benefiting state agencies and local governments. Section 212.20, F.S., governs the distribution by DOR of tax revenues collected under the provisions of Chapter 212, F.S. Subsection (6) of that section requires DOR to distribute funds to certain applicants certified as sports facilities.[1]

Specifically, s. 212.20(6)(d)7.b., F.S., requires DOR to distribute up to $41,667 monthly to applicants certified by OTTED as "facilities for retained spring training franchises." However, not more than $208,335 can be distributed monthly in the aggregate to all applicants certified as "facilities for retained spring training franchises." All distributions to certified applicants for new and retained professional sports franchise facilities and for retained spring training franchise facilities begin 60 days after certification and continue for no more than 30 years.

A certified applicant under the paragraph is not to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6), F.S. A certified applicant, however, is entitled to receive distributions up to the maximum amount allowable and undistributed under s. 212.20, F.S., for additional renovations and improvements to the facility for the franchise without additional certification.

Proposed Changes:

The bill amends s. 288.1162(5), F.S., to provide for certification and funding of no more than five additional applicants for facilities for retained spring training franchises. Applications must be received by OTTED by October 1, 2006, and any certifications must be made by January 1, 2007. The bill uses the same procedures used for the one-time funding of five facilities in 2001 with the exception of changes in the selection criteria. The funding for facilities to be certified is up to $41,667 per facility per month for a total aggregate amount for the new certified applicants not to exceed $208,335 per month.

Additional criteria for selection is added, including a prohibition against consideration of an application for those franchises that have greater than 5 years remaining on an existing lease.[2] The bill amends s. 212.20(6)(d)7.b., F.S., to increase the aggregate distribution of sales and use tax distributions to all applicants certified as facilities for retained spring training franchises to $416,670 to accommodate the five additional certifications and to remove language that permits changes in the amount of distribution and length of distribution after certification and without any review by OTTED. This final change

[1] Under this paragraph, DOR provides funding to new and retained professional sports franchise facilities and to retained spring training franchise facilities as certified under s. 288.1162, F.S.; the Professional Golf Hall of Fame facility as certified pursuant to s. 288.1168, F.S., and to the International Game Fish Association World Center facility as certified pursuant to s. 288.1169, F.S. Each recipient receives a fixed monthly distribution that is set by statute. It also requires that no other sports businesses or facilities are entitled to distributions from DOR of tax revenues collected pursuant to Chapter 212, F.S.

[2] Currently, there are five spring training franchises that do not have more than 5 years on their leases: Baltimore Orioles, Cincinnati Reds, Cleveland Indians, Pittsburgh Pirates, and the Tampa Bay Devil Rays.

provides that the amount of distribution and the time frame for distribution is that which is specified in the certification.

C. SECTION DIRECTORY:

Section 1: Amends s. 212.20(6)(d)7.b., F.S., relating to distribution of funds to applicants certified as facilities for retained spring training franchises; increases distribution for applicants certified as facilities for retained spring training franchises; removes language providing ability to increase amount or duration of funding after certification.

Section 2: Amends ss. 288.1162, (5) and (7), F.S., relating to retained spring training franchise facilities; provides additional certifications of applicants as facilities for retained spring training franchises; provides procedures and criteria for certifying applicants; conforms language; provides exceptions for certification disqualification; provides limitation on length of payment.

Section 3: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: :

	FY 06-07	FY 07-08	FY 08-09
General Revenue	($833,340)	($2,500,020)	($2,500,020)

See "Fiscal Comments" for more detail.

2. Expenditures:

Minimal. See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

	FY 06-07	FY 07-08	FY 08-09
Local Revenues	$833,340	$2,500,020	$2,500,020

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

At this time, the exact impact on the private sector is not able to be determined.

D. FISCAL COMMENTS:

The actual amount of the distribution and the duration of the distribution for the five new certifications of applicants as retained spring franchise facilities will not be known until the certifications are approved by OTTED. As with the previous such certifications, the amount and duration could vary. Therefore, the maximum amount of monthly distribution was used to estimate the general revenue impacts. Since certifications have to be completed by January 1, 2007 and distributions occur 60 days after DOR is notified by OTTED, the assumption was made that distributions would begin March 1, 2007 for purposes of estimating fiscal year 2006-2007 impacts.

The bill will have an impact on OTTED and the Florida Sports Foundation with regard to the application review and certification process for the new certifications created by the bill. The impact is not known at this time.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   This bill does not require municipalities or counties to expend funds, does not reduce their authority to raise revenue, and does not reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

   None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

   None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 7, 2006, the Tourism Committee adopted three amendments to PCB TURS 06-02 and reported the bill favorably. The first amendment increased the number of proposals eligible for certification from four to five and increased the maximum aggregate funding by $41,667 to accommodate the additional certification. The second amendment changed the certification requirement for the remaining allowable time on a franchise lease from four years to five years to accommodate the Pittsburgh Pirates. The third amendment increased to total aggregate monthly distribution in s. 212.20, F.S., to include the additional certifications.

A bill to be entitled

An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.--

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.

3. After the distribution under subparagraphs 1. and 2., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred pursuant to this subparagraph to the Local Government Half-cent Sales Tax Clearing Trust Fund shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 4. and distributed accordingly.

4. After the distribution under subparagraphs 1., 2., and 3., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. After the distributions under subparagraphs 1., 2., 3., and 4., 2.0440 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. After the distributions under subparagraphs 1., 2., 3., and 4., 1.3409 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal

government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute $166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than $416,670 ~~$208,335~~ may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the

public purposes provided for in s. 288.1162(6). ~~However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.~~

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 2. Paragraph (c) of subsection (5) and subsection (7) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; spring training franchises; duties.--

(5)

(c) 1. The Office of Tourism, Trade, and Economic Development shall competitively evaluate applications for funding of a facility for a retained spring training franchise. Applications must be submitted by October 1, 2000, with certifications to be made by January 1, 2001. If the number of applicants exceeds five and the aggregate funding request of all applications exceeds $208,335 per month, the office shall rank the applications according to a selection criteria, certifying the highest ranked proposals. The evaluation criteria shall include, with priority given in descending order to the following items:

a. ~~1.~~ The intended use of the funds by the applicant, with priority given to the construction of a new facility.

b. ~~2.~~ The length of time that the existing franchise has been located in the state, with priority given to retaining franchises that have been in the same location the longest.

c. ~~3.~~ The length of time that a facility to be used by a retained spring training franchise has been used by one or more spring training franchises, with priority given to a facility that has been in continuous use as a facility for spring training the longest.

d. ~~4.~~ For those teams leasing a spring training facility from a unit of local government, the remaining time on the lease for facilities used by the spring training franchise, with priority given to the shortest time period remaining on the lease.

e.~~5.~~ The duration of the future-use agreement with the retained spring training franchise, with priority given to the future-use agreement having the longest duration.

f.~~6.~~ The amount of the local match, with priority given to the largest percentage of local match proposed.

g.~~7.~~ The net increase of total active recreation space owned by the applying unit of local government following the acquisition of land for the spring training facility, with priority given to the largest percentage increase of total active recreation space.

h.~~8.~~ The location of the facility in a brownfield, an enterprise zone, a community redevelopment area, or other area of targeted development or revitalization included in an Urban Infill Redevelopment Plan, with priority given to facilities located in these areas.

i.~~9.~~ The projections on paid attendance attracted by the facility and the proposed effect on the economy of the local community, with priority given to the highest projected paid attendance.

2. Beginning July 1, 2006, the Office of Tourism, Trade, and Economic Development shall competitively evaluate applications for funding of facilities for retained spring training franchises in addition to those certified and funded under subparagraph 1. Applications must be submitted by October 1, 2006, with certifications to be made by January 1, 2007. The office shall rank the applications according to selection criteria, certifying no more than five proposals. The aggregate funding request of all applicants certified shall not exceed an

aggregate funding request of $208,335 per month. The evaluation criteria shall include the following, with priority given in descending order:

a. The intended use of the funds by the applicant for acquisition or construction of a new facility.

b. The intended use of the funds by the applicant to renovate a facility.

c. The length of time that a facility to be used by a retained spring training franchise has been used by one or more spring training franchises, with priority given to a facility that has been in continuous use as a facility for spring training the longest.

d. For those teams leasing a spring training facility from a unit of local government, the remaining time on the lease for facilities used by the spring training franchise, with priority given to the shortest time period remaining on the lease. For consideration under this subparagraph, the remaining time on the lease shall not exceed 5 years.

e. The duration of the future-use agreement with the retained spring training franchise, with priority given to the future-use agreement having the longest duration.

f. The amount of the local match, with priority given to the largest percentage of local match proposed.

g. The net increase of total active recreation space owned by the applying unit of local government following the acquisition of land for the spring training facility, with priority given to the largest percentage increase of total active recreation space.

h. The location of the facility in a brownfield area, an enterprise zone, a community redevelopment area, or another area of targeted development or revitalization included in an urban infill redevelopment plan, with priority given to facilities located in those areas.

i. The projections on paid attendance attracted by the facility and the proposed effect on the economy of the local community, with priority given to the highest projected paid attendance.

(7) The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any facility certified as a facility for a new professional sports franchise or a facility for a retained professional sports franchise or as a facility for a retained spring training franchise. The Office of Tourism, Trade, and Economic Development shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise ~~and shall certify at least five as facilities for retained spring training franchises~~, including in such total any facilities certified by the Department of Commerce before July 1, 1996. The number of facilities certified as a retained spring training franchise shall be as provided by subsection (5). The office may make no more than one certification for any facility. The office may not certify funding for less than the requested amount to any applicant certified as a facility for a retained spring training franchise.

Section 3. This act shall take effect July 1, 2006.